

21 C.J.S. Courts § 111

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Courts

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III. Creation and Constitution; Officers of Courts

A. Creation, Organization, and Abolition of Courts

1. In General

§ 111. Exclusive constitutional provisions

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  42(1)

The legislature cannot interfere with jurisdiction which is conferred on a court by exclusive constitutional provisions.

The judicial power or jurisdiction conferred on certain courts by some constitutional provisions is exclusive¹ in the sense that the grant thereof precludes the legislature from creating any other courts,² or from conferring any additional jurisdiction on such courts,³ or from conferring all or a part of such courts' jurisdiction on other courts.⁴ Thus, unless the constitution provides for other courts,⁵ the specification therein of courts which may exercise judicial power operates as a limitation of the legislature's power to create other courts.⁶

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Footnotes

- 1 Tex.—[Dean v. Fuller](#), 290 S.W. 829 (Tex. Civ. App. Dallas 1927).
- 2 Ark.—[Ward School Bus Mfg., Inc. v. Fowler](#), 261 Ark. 100, 547 S.W.2d 394 (1977).
- 3 Ky.—[Rieser v. Ward](#), 193 Ky. 368, 236 S.W. 255 (1922).
- 4 N.Y.—[Decker v. Canzoneri](#), 256 A.D. 68, 9 N.Y.S.2d 210 (3d Dep't 1939).

5 Pa.—*Gerlach v. Moore*, 243 Pa. 603, 90 A. 399 (1914).

6 Md.—*Quenstedt v. Wilson*, 173 Md. 11, 194 A. 354 (1937).

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